

UNITED STATES DEPARTMENT OF COMMERCE

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APPLICATION NO.	FILING DATE	FIRST NAMED IN	ENTOR		ATTORNEY DOCKET NO.
09/164,79	93 10/01/	98 WATT .		P.	JJM-381
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AUDLEY A CIAMPORCERO JR ONE JOHNSON & JOHNSON PLAZA				JACKSON, G	
		JUHNSUN PLAZA NJ 08933-7003		ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary Application No. Ge/r164,793 WATT ET AL Examiner Jackson, Gary 3731 Jackson, Gary 3731 ASHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE of this communication appears on the cover sheet with the correspondence address - Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE of the mailing date of this communication. If the period for reply spetch above is less than thirty (30) days, a reply within the statutary minimum of thirty (30) days will be considered timely. It is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. If the period for reply welf will be specified above. The maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. If the period for reply with the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Status 1)								
## Examiner Jackson, Gary 3731 ## Fried for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be variable under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. If the period for reply specified above is less the mithy (30) days, a reply within the statutory minimum of thirty (30) days will be considered finely. If the period for reply specified above is, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Status		Application No.	Applicant(s)					
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Application/Control Number: 09/164,793

Art Unit: ***

Drawings

This application has been filed with informal drawings, which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a), which forms the basis for all obviousness rejections, set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Igaki et al (U.S. Patent 5,843,096) in view of Artandi (U.S. Patent 3,157,524) and Haynes et al (U.S. Patent 5,660,857). The patent to Igaki et al discloses a tube having one end closed formed of chitin. However, a sponge texture is not clearly disclosed. The patents to Artandi and Haynes et al disclose the concept of forming collagen material with sponge-like texture for the medical purposes. It would have obvious to one having ordinary skill in the art to form the tube of Igaki et al tube of a biopolymer sponge formed from collagen. Further, it is well known in the art to include therapeutic compounds in surgical implants as recited in claim 5. Concerning claim 5, since Igaki et al discloses a tube, it would have been obvious since the size the tube according to intended use.

Application/Control Number: 09/164,793

Art Unit: ***

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Cooper et al 5,575,803, Francis et al 5,752,965, Igaki et al 5,766,188, and Oi et al 5,814,057 all U.S. Patents.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary Jackson whose telephone number is (703) 308-4302. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Buiz can be reached on (703) 308-0871. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-2708 for regular communications and (703) 308-3579 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-0858.

Gary Jackson September 12, 1999 GAHY JACKSON RIMARY EVAMINER

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